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4204 NORTH BROWN AVENUE
SCOTTSDALE, AZ 85251

EXAMINER

LOWE, TREFFANEY R

| ART UNIT | PAPER NUMBER |
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2697

DATE MAILED: 06/04/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

91

Office Action Summary

Application No.

09/599,817

Applicant(s)

BORQUEZ ET AL.

Examiner

TREFFANEY R LOWE

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on _____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) 8-10 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Response to Arguments

Applicant's arguments with respect to claims 1-7 have been considered but are moot in view of the new ground(s) of rejection.

Remarks:

Examiner notes that the original claims 8-10 have been cancelled and claims 1-7 are pending in the application.

Regarding the applicant's arguments pertaining to **claim 1**, "the words in the source language are spoken to a human translator and are recorded. The recorded words in the source language are then played back to the human translator. During playback, the human translator simultaneously translates the words in the source language to the target language, and does so in a legal proceeding." The examiner respectfully disagrees that amending **claim 1** to read "to a human translator" or "during a legal proceeding, as they are being played back" would make this claim allowable. Examiner still support reason as given earlier, in addition, examiner has added Bennett et al. to further support the "human translator" clause. For the reasons listed below, claim 1-7 remain rejected.

Claim Rejections - 35 USC § 103

Claims 1, 2 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Glenn (US Patent 6,434,518 B1) in view of Kunita (US Patent 5,724,526) and in further view of Bennett et al. (U.S. Patent 5,884,256) hereinafter, reference to as Bennett.

Regarding **claim 1**, Glenn discloses an electronic language translator in which Glenn discloses steps of:

Providing a recording device capable of recording words spoken in a source language (col. 3, lines 42-44);

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Wherein said recording device further comprises means for playing back said words spoken in said source language (col. 3, lines 42-44);

Speaking said words in said source language (col. 3, lines 45-47);

Recording said words in said source language in said recording device (col. 3, lines 42-44);

Playing back said words in said source language (col. 3, lines 42-44);

Glenn fails to teach a method with a step simultaneously translating said words in said source language into a target language. Kunita discloses an electronic interpreting machine for translating the source language into the destination language, and carries out simultaneous translations between a plurality of languages (col. 1, lines 24-27). It would have been obvious to one skilled in the art at the time of the invention to modify Glenn's translator to include Kunita's step for simultaneous translations, for the purpose of providing a method for simultaneously translating from a source language to a target language.

Glenn and Kunita fail to disclose having spoken words said to a human translator and having human translator translate spoken words of the source language from playback of recording to a target language. However, this method is well known in the art, as taught by Bennett.

Bennett discloses:

Wherein said recording device further comprises means for playing back said words spoken in said source language, (col. 25, lines 59-62)

Speaking said words in said source language to a human translator, (col. 16, lines 39-40). Even though Bennett does not specifically state that a human translator is used at

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all times, it is obvious that a human translator can be used and the words to be translated are spoken to the translator.

Playing back said words in said source language to said human translator; (col. 25, lines 59-62). It is obvious that if a human translator is in the room where the recording device is being played back, the words may be played back to the human translator.

Said human translator simultaneously translating said words in said source language into a target language, during a legal proceeding, as they are being played back. (col. 16 lines 39-40). Bennett does not specifically mention the human translator translating said words in said source language into a target language. However, it is well known that a human translator can translate a source language into a target language during a legal proceeding. Therefore, it would have been obvious at the time of the invention, for the human translator to translate played back words spoken into a target language during the legal proceeding.

Regarding **claim 2**, Glenn and Kunita disclose all the limitations of **claim 1**, Glenn further discloses the step of providing said recording device being a digital recorder (Fig. 1, item 23 "electronic memory for storing audio").

Regarding **claim 4**, Glenn and Kunita reject all the limitations of **claim 1**, in addition, Glenn further discloses a step of providing at least one earphone assembly couple to said recording device (col. 3, lines 40-42).

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Glenn and Kunita as applied to **claim 1** above, and further in view of Cherny (US Patent 6,219,646 B1).

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Regarding **claim 3**, Glenn and Kunita disclose all the limitations of **claim 1**, however they fail to teach a step providing a telephone input coupled to said recording device and adapted to receive said words spoken in said source language over a telephone line and to transmit said words translated into said target language over said telephone line.

In a similar field of endeavor, Cherny discloses a method and apparatus for translating between languages adapted to receive words spoken in said source language over a telephone line and to transmit said words translated into said target language over said telephone line (Abstract and col. 3, lines 2-6).

Therefore, it would have been obvious to modify Glenn and Kunita with Cherny to get a simultaneous translator with abilities to record and playback source language and have it connected to a telephone line for real-time translation of a phone conversation between two individuals speaking different languages.

Claims 5 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Glenn and Kunita as applied to claim 1 above, and further in view of Kannes (US Patent 4,965,819).

Regarding **claim 5**, Glenn and Kunita disclose all the limitations of **claim 1**, however they do not teach a step providing at least one microphone in a position that is remote from said recording device.

In a similar field of endeavor, Kannes discloses a video conferencing system for courtroom and other applications. Kannes further discloses a step providing at least one microphone in a position that is remote from said recording device (col. 4, lines 42-51).

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Therefore it would have been obvious to one of ordinary skill in the art, at the time of the invention, to modify Glenn and Kunita with Kannes to provide a translator with record and playback options and to have a microphone connected to the device.

Regarding **claim 6**, Glenn, Kunita and Kannes disclose all the limitations of **claim 5**, Glenn, Kunita and Kannes fail to specifically disclose wherein at least one remote microphone is in wireless communication with said recording device. However, the office contends that it is obvious, if you have a wired microphone setup, as taught by Kannes, you could easily convert it to be wireless. Therefore it would have been obvious to get the wireless remote microphone communication with said recording device.

Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Glenn and Kunita as applied to claim 1 above, and further in view of Stockham, Jr. et al. (US Patent 4,446,494), hereinafter referenced to as Stockham.

Regarding **claim 7**, Glenn and Kunita reject all the limitations of **claim 1**, however, they do not teach a step of providing means for adjusting the speed at which said words in source language are played back. In a similar field of endeavor, Stockham, discloses an uniform speed control for a multi-channel digital recorder, which provides for tape speed control so as to increase or decrease tape speed (col. 4, lines 44-45 and col. 5, lines 4-5).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the inventions of Glenn and Kunita with that of Stockham to get a translating device that could control the speed of the playback.

Conclusion

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Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to TREFFANEY R LOWE whose telephone number is 703-305-5593. The examiner can normally be reached on M-F: 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, JEFFERY HOFFSASS can be reached on 703-305-4717. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-9430 for regular communications and 703-746-9430 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-0377.

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June 2, 2003


Richmond Dorvil
Primary Examiner